

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE A. ROJAS BARRIGA,

Plaintiff,

v.

B. CATES, et al.,

Defendants.

No. 1:21-cv-01459-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 7)

Plaintiff Jose A. Rojas Barriga is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 4, 2022, the assigned magistrate judge issued a screening order granting plaintiff leave to file a first amended complaint or a notice of voluntary dismissal within thirty (30) days of that order. (Doc. No. 5.) Plaintiff was warned that failure to comply with the court's order would result in a recommendation for dismissal of this action with prejudice due to plaintiff's failure to obey a court order and failure to state a claim. (*Id.* at 9.) Plaintiff has not filed an amended complaint nor otherwise communicated with the court, and the time in which to do so has now passed.

On February 23, the assigned magistrate judge issued findings and recommendations, recommending that this action be dismissed with prejudice due to plaintiff's failure to state a

1 claim upon which relief can be granted, failure to obey a court order, and failure to prosecute.  
2 (Doc. No. 7.) Those findings and recommendations were served on plaintiff and contained notice  
3 that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 11.)  
4 Plaintiff has not filed objections, and the deadline in which to do so has now passed.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
6 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings  
7 and recommendations to be supported by the record and by proper analysis.

8 Accordingly,

- 9 1. The findings and recommendations issued on February 23, 2022 (Doc. No. 7) are  
10 adopted;
- 11 2. This case is dismissed with prejudice due to plaintiff's failure to state a claim,  
12 failure to obey a court order, and failure to prosecute; and
- 13 3. The Clerk of the Court is directed to close this case.

14 IT IS SO ORDERED.

15 Dated: March 31, 2022

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18 UNITED STATES DISTRICT JUDGE  
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